

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 14, 2004

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Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Community Development Heroes Awards Presented to Several Individuals.
PA2 Cert. of Apprec./City Board & Committee Members for Years of Volunteer Services. (Dermer)
PA3 Proclamation/Café Avanti's Anniversary. (Dermer)
PA4 Proclamation/"Vote Miami Beach 2004 Day." (Steinberg)
PA5 Presentation by the North Beach Development Corporation.
PA6 Cert. of Apprec./Rosa Cartas, Helping the Elderly in Miami Beach. (Bower)
PA7 **New Item:** Proclamation/"National Donate Life Month."
- C2A BA 19-03/04, Purchase Cleaning Equipment/Supplies for MBCC & TOPA, \$175,576.42.
C2B Approve Purchase of (1) 2004 VAC-CON Sewer Cleaner Truck, \$195,515.
C2C Approve Purchase of Several Pick Up Trucks, \$115,237.
C2D BA 23-03/04, Vehicle Rental/Lease Services, \$193,466.
C2E BA 6-03/04, Carl Fisher Club House HVAC Renovations, \$44,875.
C2F BA 01-03/04, Purchase/Delivery of Bulk Concrete Mix, \$131,000.
- C4A Ref: Planning Board - Increase Minimum Unit Size for New Construction. (Smith)
C4B Ref: Finance & Citywide Projects Committee - Use of Parking Lot at Shane Watersports Center.
- C6A Report: Neighborhood/Community Affairs Committee Meeting of February 17, 2004.
C6B **W**-Report: Finance & Citywide Projects Committee Meeting of March 15, 2004.
C6C Report: Neighborhood/Community Affairs Committee Meeting of March 22, 2004.
- C7A Accept Recommendation, City Center ROW Infrastructure Improvement Project.
C7B **W**-Accept Recommendation, Public Relations/Marketing & Communications Consulting Services.
C7C Execute Amendment to Agreement, Parks Master Plan Bond Program.

C7D Execute Amendment to Agreement, Re-Roofing Project at MBCC and TOPA.
 C7E Accept Recommendation, Renew Management Agmt for Miami Beach Botanical Garden. **5/7**
 C7F Establish April 2004 as "Fair Housing Month."
 C7G Proclaim April 12-16, 2004 as "National Community Development Week."
 C7H Adopt Local Housing Assistance Plan, SHIP Program for FY 2004/05-2006/07.
 C7I Set Public Hearing, Consider Temporary On-Street Parking Spaces on the Venetian CSWY.
 C7J Waive Bidding, Purchase & Install POF Station at 13th Street & Collins Avenue Garage. **5/7**
 C7K Accept Recommendation, Old Miami Beach Library Rotunda Restoration Project.
 C7L Issue RFQ, Building Inspection Services for Immediate Needs Assessment.

REGULAR AGENDA

R5A **10:15 a.m. 2nd Rdg**, CCC, Civic & Convention Center District. **5/7**
 R5B **10:30 a.m. 2nd Rdg**, Signs for Vertical Retail Centers. **5/7**
 R5C **11:15 a.m. 1st Rdg**, Conditional Uses in the MXE, Mixed Use Entertainment District. **5/7**
 R5D **11:30 a.m. 1st Rdg**, Eliminate Dance Halls/Entertainment Establishments in Certain Districts. **5/7**
 R5E **11:31 a.m. 1st Rdg**, Occupational License Tax - Define Adjudicated Violation.
 R5F **1st Rdg**, Graffiti - Provide Reduction in Time Periods Permitted for Compliance.
 R5G **5:01 p.m. 1st Rdg**, Amend Goals, Policies & Objectives & FLUM of Comprehensive Plan. **5/7**
 R5H **5:01 p.m. 1st Rdg**, Amend Official Zoning District Map & Land Development Regulations. **5/7**
 R5I **1st Rdg**, Amend No. 789, FOP - Classified Employees Salary Ordinance.
 R5J **1st Rdg**, Amend No. 789, IAFF - Classified Employees Salary Ordinance.
 R5K **1st Rdg**, Amend No. 1605, Unclassified Employees Salary Ordinance (COLA).
 R5L **1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance (COLA).

R6A Verbal Report: Finance & Citywide Projects Committee Meeting of April 6, 2004.

R7A **10:45 a.m.** Prohibit Tran Construction from Serving as Vendor to the City. **5/7**
 R7B **11:00 a.m.** Approve Vacation, Portion of West 29th Street-End, West of Prairie Avenue.
 R7C **2:00 p.m.** Approve Development Agreement, "5th & Alton" Project.
 R7D **W-Execute** Perpetual Easement Interest w/ FDOT, East Side of Brittany Bay Park.
 R7E **11:45 a.m.** Execute Agreement, Multi-Purpose Municipal Parking Facility Project.
 R7F **3:30 p.m.** Adopt Recommendation, Commit Space within "The Courts" Project.
 R7G Authorize Continuation of Forgiveness of HACMB PILOT Payment through 2023.
 R7H **W-Accept** Recommendation, Implement Citywide Corporate Marketing & Sponsorship Program.
 R7I Accept Recommendation, Purchase/Implement Enterprise Financial & Administrative System.

R9A Board and Committee Appointments.
 R9A1 Nomination to the Arts in Public Places Committee. (Steinberg)
 R9B(1) **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B(2) **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **W-Disc.** Traffic Analysis Report on Indian Creek Drive at 63rd & 65th Street Intersections.
 R9D **3:00 p.m.** Presentation by Don Peebles, Chairman of GMCVB.
 R9E Disc. Resolution Supporting the Citizen's Independent Transportation Trust. (Dermer)
 R9F Report on Memorial Day Weekend 2004 (May 27-31, 2004)
 R9G **11:01 a.m.** Disc. Review of Proposed Purchase of Property at 1833 Bay Road.
 R9H Disc. Redevelopment in 17th Street to 12th Street & Alton Road to Bay Drive. (Cruz)
 R9I Disc. Resolution Supporting Representative Robaina's Condo Bill of Rights. (Garcia)
 R9J Disc. Controlling Major Projects. (Gross)
 R9K Disc. Potential Closing of all Outdoor Cafes. (Garcia)

A Parking Status Report.
 B Status Report on Fire Station No. 2.
 C Status Report on Fire Station No. 4.
 D Informational Report on Federal, State, County and All Existing City Contracts.
 E1 Minutes from M-D County Homeless Trust Board Meeting of February 27, 2004. (Steinberg)

F **9:15 a.m.** Presentation on the On-Line Permitting System.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for Month of February 2004.

3A Execute Amendment to Agreement, Renovation & Restoration of the Colony Theatre.

Meeting called to order at 9:32:37 a.m.

Invocation given by Dr. Annette Jones from St. John's Methodist church.

Pledge of Allegiance led by Chief De Lucca.

Times based on the digital recording in the City Clerk's Office

Addendum items: C7L and R9K

ACTION: Motion made by Commissioner Bower to add Addendum items C7L and R9K as emergency items to the agenda; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Vice-Mayor Gross and Commissioner Garcia

Supplemental Materials:

R5F (Ordinance), R7A (Resolution), R7E (Resolution), R7F (Resolution), R9G (Additional Materials), R9I (Resolution), and R9J (Additional Materials)

PA - Presentations and Awards

9:46:41 a.m.

PA1 Community Development Heroes Awards To Be Presented To Individuals For Making Significant Contributions To The City Of Miami Beach Using HUD Funds.
(Neighborhood Services)

Vivian Guzman, Neighborhood Services Director, introduced Joanna Revelo.

Joanna Revelo, Community Development Division Director, expressed her gratitude on this being the fifth year that this award is presented and the 30th year of the CDBG Program.

Gilbert Squires, Chairman of the City of Miami Beach Community Relations Board, presented the Community Heroes Award to Mr. Arnold Notkin for his work with the Miami Beach Community Health Center.

Arnold Notkin spoke.

Gilbert Squires presented the Individual Volunteer Award to Dennis Russ as a former president of the Miami Beach Community Development Corporation.

Dennis Russ spoke.

9:35:42 a.m.

PA2 Certificates Of Appreciation To Be Presented To Several Outgoing City Board And Committee Members For Their Years Of Volunteer Service.

(Requested by Mayor David Dermer)

ACTION: Certificates presented to Mel Schlessner, Planning Board; Marty Hyman, Parking and Transportation Committee and the Oversight Committee for the G.O. Bond; Colleen Martin, Historic Preservation Board, and Ted Baker, Design Review Board.

Charles Burkett and Ted Baker were not present.

PA3 Proclamation To Be Presented In Honor Of Cafe Avanti's Anniversary.

(Requested by Mayor David Dermer)

ACTION: Item deferred.

9:41:34 a.m.

PA4 Proclamation To Be Presented In Honor Of "Vote Miami Beach 2004 Day."

(Requested by Commissioner Richard L. Steinberg)

ACTION: Proclamation presented.

Commissioner Steinberg thanked the Mayor for joining in the effort and announced the launching of Vote Miami Beach. He explained that the mission of Vote Miami Beach Campaign is to increase the role that voters play in state, county and federal elections by increasing the number of voters. He stated that there are over 100 businesses participating by giving a 10% discount to residents that present their voter registration cards. Voter registration drives will be held throughout the City to increase awareness.

He stated that a list of participating businesses can be found at VoteMiamiBeach.Com. He thanked the participating businesses, the Neighborhood Services Department; Economic Development, Kevin Crowder, Elyse Sitomer; the Parks and Recreation Department and Information Technology Department, for developing the website, Walgreens, for hosting Voter Registration drive, the Grey Panthers, Barbara Hawayek, Caroline Defreeze, Maria Ruiz, Nannette Rodriguez, Monica Plaza, Laura Orozco, Dolores Mejia and Sandra Meyer. He concluded by presenting to the Neighborhood Services Department a proclamation naming April 14th "Vote Miami Beach Day."

9:58:48 a.m.

PA5 Presentation To The Mayor And Commission By The North Beach Development Corporation.

ACTION: Presentation made. Barry Klein and Jeanne Tidy, from North Beach Development Corporation (NBDC), presented the City Commission with a signed framed poster from the artist, Sid Daniels, of the Festival of the Arts 2004.

PA6 Certificate Of Appreciation To Be Presented To Rosa Cartas For Her Dedication In Helping The Elderly In Miami Beach.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Item deferred.

10:01:10 a.m.**NEW ITEM:**

PA7 Proclamation Presented in Honor of National Donate Life Month.

ACTION: Proclamation presented. Phyllis Shamis, Miami Beach Police Department, explain the purpose of the National Donate Life Month.

She talked about the Workplace Initiative Program created by Tommy Thompson, Director of Health and Human Services. She volunteered to coordinate the Workplace Initiative program.

Vice-Mayor Gross asked if there is anything the Administration can do to get the roving blood bank to visit City Hall or different City locations perhaps on a quarterly basis. **Vivian Guzman to handle.**

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue Purchase Orders To Crown Sanitary Supply, Pyramid School Products, Quality Chemical Company, Elmbrook Corporate Services And American Plumbing And Electrical Supply Pursuant To Invitation To Bid No. 19-03/04 For The Purchase Of Miscellaneous Cleaning Equipment And Supplies For The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts In The Amount Of \$175,576.42.

(Convention Center)

ACTION: Awards approved. Gus Lopez to issue Purchase Orders. Doug Tober to handle.

- C2B Request For Approval To Purchase, Pursuant To Florida Department Of Transportation Contract No. PO384, From Southern Sewer Equipment Sales, In The Amount Of \$195,515, One (1) 2004 VAC-CON Sewer Cleaner Mounted On A 2004 Sterling LT7501 Truck.

(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

- C2C Request For Approval To Purchase, Pursuant To Florida State Contract No. 03-11-0825, From Duval Ford, In The Amount Of \$115,237.00, Five (5) 2004 Ford F-150 4x2 Pick Up Trucks, One (1) 2004 Ford F-250 Utility Body Truck, And One (1) 2004 Ford F-250 4x4 Pick Up Truck With Fiberglass Topper.

(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

- C2D Request For Approval To Award Contracts To Royal Rent-A-Car Systems of Florida, (Primary) And To Acme Auto Leasing, LLC, (Secondary) Only In The Event The Primary Vendor Cannot Meet It's Contractual Obligations, Pursuant To Invitation To Bid No. 23-03/04, For Vehicle Rental/Lease Services For The City Of Miami Beach, In The Estimated Annual Amount Of \$193,466.
(Police Department)

ACTION: Award approved. Gus Lopez to handle.

- C2E Request For Approval To Award A Contract To Master Mechanical Service, Inc. Pursuant To Invitation To Bid No. 6-03/04 For The Carl Fisher Club House HVAC Renovations In The Amount Of \$44,875.
(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

City Clerk's cross-reference: Bass Museum School of Art

- C2F Request For Approval To Award A Contract To Central Concrete Supermix, Pursuant To Invitation To Bid No. 01-03/04 For The Purchase And Delivery Of Bulk Concrete Mix In The Estimated Amount Of \$131,000.
(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Planning Board - Discussion Regarding A Code Amendment Increasing The Minimum Unit Size For New Construction.
(Requested by Commissioner Jose Smith)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Jorge Gomez to handle.

- C4B A Referral To The Finance And Citywide Projects Committee For Review And Discussion The Development And Use Of The Parking Lot And Associated Landscaping Improvements Adjacent To The Shane Watersports Center As It Relates To That Certain Second Amended And Restated/Consolidated Lease Agreement With Miami Beach Watersports Center, Inc., As Lessee, For The City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida.
(Economic Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Christina Cuervo to handle.

C6 - Commission Committee Reports

C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of February 17, 2004: **1)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **2)** Discussion Regarding The Transfer Of Beach Patrol From The Parks Department To The Fire Department; **3)** Discussion Regarding Potential Enhancements To The Pine Tree Bark Park; And **4)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date; and **5)** Discussion Regarding The Use Of Channel 20 To Broadcast Public Service Announcements (Late Addition to Meeting).

ACTION:**Item 1.**

Item deferred to the next Neighborhood/Community Affairs Committee meeting.

Item 2.

The Administration is to bring the item to the next meeting of the Neighborhood/Community Affairs Committee along with a report of the cost associated with creating a stand alone department and a procedure if it is moved into the Fire Department.

Item 3.

Item is to be brought back to the next meeting of the Neighborhood/Community Affairs Committee with a report of the maintenance costs involved with the proposed enhancements made to the park prior to acceptance of the donation and the comments and/or input of the neighborhood.

Item 4.

Item deferred to the next Neighborhood/Community Affairs Committee meeting.

Item 5.

Item deferred to the next Neighborhood/Community Affairs Committee meeting.

C6B Report Of The Finance And Citywide Projects Committee Meeting Of March 15, 2004: **1)** Discussion Regarding The Review, Assessment, And Recommended Structure Of The Greater Miami Convention And Visitors Bureau Conducted By Economic Research Associates (ERA); **2)** Discussion Regarding A Proposed Multi-Purpose Space Expansion To The Miami Beach Convention Center; **3)** Discussion Regarding The Colony Theatre Project; **4)** Discussion Regarding The Lists Of Projects To Be Considered For Inclusion In The Miami-Dade General Obligation Bond Issue; And **5)** Second Amendment To The Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County.

ACTION: Item withdrawn by the Administration.

C6C Report Of The Neighborhood/Community Affairs Committee Meeting March 22, 2004: **1)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date; **2)** Discussion Regarding The Use Of Channel 20 To Broadcast Public Service Announcements; And **3)** Discussion Regarding Additional Criteria Be Added To Existing City's Human Rights Ordinance.

ACTION:

Item 1.

Item deferred to the next Neighborhood/Community Affairs Committee meeting at the request of Commissioner Bower (not present).

Item 2.

The Committee directed the Administration to produce a piece of AIDS prevention, consulting with those that are aware on this issue, ensuring that the message is clear and that the administration produce the video to be aired on Channel 20. **R. Parcher to handle.**

Item 3.

- a. The committee directed a review of a domestic partner registry model ordinance, for the City Attorney's Office to circulate this model prior to the next meeting to address any comments as they relate to our municipality, and then bring back for further discussion. **Legal Department to handle.**
- b. The committee directed to bring this item back for further discussion to include the recommended definitions of gender for the charter and the longer version for the ordinance at the same time as the registry item above. **Legal Department to handle.**
- c. The committee directed to bring this item back for further discussion along with some parameters for this ordinance to be carried out. **Legal Department to handle.**

C7 - Resolutions**10:22:54 a.m.**

C7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 68-02/03, For The Engineering, Urban Design, And Landscape Architecture For Planning, Design, Bid And Award And Construction Administration Services For The City Center Right Of Way Infrastructure Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Chen And Associates; Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of EAC Consulting, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Edwards And Kelcey.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Vice-Mayor Gross. Two motions.

1) Motion made by Vice-Mayor Gross, to refer to Finance and Citywide Projects Committee to discuss: a) If a policy is needed regarding awarding a contractor work when it has been determined that the contractor already has too much work; and b) Should an "insider," such as URS be awarded construction contracts while they are performing oversight duties for the City; seconded by Commissioner Garcia; Voice vote: 7-0. Patricia Walker to place on the agenda. **Tim Hemstreet and Gus Lopez to handle.**

2) **Resolution No. 2004-25551 adopted.** Motion made by Commissioner Bower; to accept the Administrations recommendation; seconded by Commissioner Smith; Voice vote 7-0. Tim Hemstreet to handle.

Vice-Mayor Gross stated that he has a concern with URS being allowed to bid on a project when they manage some of the City's major CIP projects. Discussion held.

C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 9-03/04, For Public Relations Services And Marketing And Communications Consulting Services For The City Of Miami Beach, And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Susan Brustman And Associates.

(Tourism & Cultural Development)

ACTION: Item withdrawn by the Administration.

10:32:55 a.m.

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Current Professional Services Agreement Between The City Of Miami Beach And The Firm Of Bermello, Ajamil And Partners, Inc. For Parks Master Plan Bond Program Sites Of North Shore Park, North Shore Open Space, Pinetree Park, Parks Maintenance Facility, Lummus Park And South Pointe Park To Provide For An Extension Of Time And For Additional Services, In The Amount Of \$135,623.38, For The Projects; Utilizing \$30,000 From Safe Neighborhood Parks Bond Funds Already Allocated And Appropriated For North Shore Open Space Park; And Further Appropriating \$105,623.38 From The Interest Earned From The 1995 Parks General Obligation Bond As Follows To Fully Fund The Extension Of Time And Additional Services: \$55,500 For North Shore Park And Youth Center; \$21,623.38 For Lummus Park; \$30,000 For North Shore Open Space Park; And \$28,500.00 For The Parks Maintenance Facility.

(Capital Improvement Projects)

ACTION: Items C7C and C7D separated for discussion by Vice-Mayor Gross. Resolution No. 2004-25532 adopted. Motion made by Vice-Mayor Gross to: 1) approve C7C and C7D; 2) the amount allocated for the Youth Center will be fixed regardless of the time of completion; and to refer to the Finance and Citywide Projects a discussion to review the current model used (fee based on time for construction supervision) versus fees paid as a percentage regardless of the time; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds and place on the agenda. Tim Hemstreet to handle.

Vice-Mayor Gross explained that he separated items C7C and C7D because both involve additional fees to architects since the projects have not been completed on time. He stated that the work on this project was supposed to be completed in 1999. This is the third time the City is increasing the fee to the architects. He stated that the contracts should be based on the work to be completed versus the present agreement, in which the fee is based on time.

Motion made by Vice-Mayor Gross to refer to the Finance and Citywide Projects a discussion to review the current model used (fee based on time for construction supervision) versus fees paid as a percentage regardless of the time.

Vice-Mayor Gross asked if the Administration can negotiate with the contractor that regardless of the time frame, this is the final amount to be paid.

Tim Hemstreet, CIP Director, stated that he didn't see a problem with this request and will talk with the architect.

Jorge Gonzalez, City Manager, stated that the analysis will be done to see how the fees compare through the life of a project. The model is still on a service-worked basis.

Commissioner Garcia stated that it seems that some of the delays are due to the contractors and the Administration should be going to the source of the problem, the contractor.

Jorge Gonzalez, City Manager, stated that the Administration does seek damages, through the liquidated damages clause of the contract and the Administration will retain money from the contractor.

Handout or Reference Materials:

1. Interoffice Memorandum from Tim Hemstreet, CIP Director, to Jorge Gonzalez, City Manager, dated April 14, 2004 in reference to additional information for this Commission Item.

C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 5 To The Agreement With Brown And Brown Architects Dated July 8, 1996, For Additional Services For On-Site Inspection And For Construction Administration Beyond The Contract Time For The Re-Roofing Project

At The Miami Beach Convention Center And The Jackie Gleason Theater Of The Performing Arts In The Amount Of \$38,850; And That Funds For This Activity Be Transferred From The Convention Center Escalator Chain Replacement Account And Appropriated For This Purpose.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Vice-Mayor Gross. Resolution No. 2004-25533 adopted. See action on C7C. Tim Hemstreet to handle.

- C7E A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving The Renewal Term Of The Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy, Inc., For The Management And Operation Of The Miami Beach Botanical Garden; Said Term Being For A Period Of Two (2) Years; And Additionally, Providing For Waiver, By 5/7ths Vote, Of The Competitive Bidding Requirements, Finding Such Waiver In The Best Interest Of The City, In Light Of The Anticipated Design And Construction Schedule For The Botanical Garden, Pursuant To The City's Capital Improvement Program And Providing For One (1) Additional Renewal Term Year; For A Total Renewal Period Of Three (3) Years, Commencing On June 20, 2004 And Ending On June 22, 2007.
(Economic Development)

ACTION: Resolution No. 2004-25534 adopted. Christina Cuervo to handle.

- C7F A Resolution Establishing April 2004 As "Fair Housing Month" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2004-25535 adopted. Vivian Guzman to handle.

- C7G A Resolution To Join With Communities Across The United States In Proclaiming April 12-16, 2004 As "National Community Development Week" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2004-25536 adopted. Vivian Guzman to handle.

- C7H A Resolution Approving And Adopting The Attached Local Housing Assistance Plan For The State Housing Initiatives Partnership (SHIP) Program For Fiscal Years 2004/05, 2005/06, And 2006/07, As Required By The State Housing Initiatives Partnership Program Act, Subsections 120.907-420.9079, Florida Administrative Code; Authorizing The Necessary Certifications By The Mayor And The City Clerk; Authorizing Submission Of The Local Housing Assistance Plan For Review And Approval By The Florida Housing Finance Corporation; Authorizing The Appropriation Of SHIP Program Funds For Fiscal Year 2004/05, In The Amount Of \$429,255; Fiscal Year 2005/06, In The Amount Of \$429,255; And Fiscal Year 2006/07, In The Amount Of \$429,255; Or Such Final Allocation Amounts, As Adjusted By The Florida Housing Finance Corporation; And Authorizing The Appropriation Of Any Interest Accrued Thereon, For Eligible Activities Under The Ship Program Rules.
(Neighborhood Services)

ACTION: Resolution No. 2004-25537 adopted. Patricia Walker to appropriate the funds. Vivian Guzman to handle.

- C7I A Resolution Setting A Public Hearing To Consider The Temporary Establishment Of Nine (9) On-Street Parking Spaces And A Temporary Restricted Residential Parking Program, Not To Exceed A Term Of Six Months, For The Vistas Condominium, Located At One Century Lane; Said Parking Program To Be Established On The Venetian Causeway, Between Century Lane And Island Avenue.

(Parking Department)

ACTION: Resolution No. 2004-25538 adopted. First Reading Public Hearing scheduled for May 5, 2004. R. Parcher to notice; Saul Frances to do the mailers. Lilia Cardillo to place on the Commission Agenda. Saul Frances to handle.

- C7J A Resolution Approving A Waiver, By 5/7th Vote, Of The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Further Approving, Appropriating Funds For, And Establishing A Work Order, In The Amount Of \$94,000, From Parking Revenue Bond Fund No. 481, For The Purchase And Installation Of A Pay On Foot (POF) Station From Royce Parking Control Systems, To Be Initiated At The 13th Street And Collins Avenue Garage.
(Parking Department)

ACTION: Resolution No. 2004-25539 adopted. Patricia Walker to appropriate the funds. Saul Frances to handle.

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 02-03/04, For The Planning, Design, Bid And Award, And Construction Administration Services For The Old Miami Beach Library Rotunda Restoration Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of M.C. Harry & Associates, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Edward Lewis Architects, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of R.J. Heisenbottle Architects, P.A.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25540 adopted. Tim to handle.

Addendum Item:

- C7L A Resolution Authorizing The City Manager To Issue A Request For Qualifications (RFQ) For Building Inspection Services To Develop An Immediate Needs Assessment And A Five Year Plan For Capital Repair, And Replacement Requirements And A Annual Maintenance Requirement Plan To Keep City Facilities In Good Operational Condition.
(Public Works)

ACTION: Resolution No. 2004-25541 adopted. Gus Lopez to issue RFQ. Fred Beckmann to handle.

End of Consent Agenda**REGULAR AGENDA****R5 - Ordinances**

11:31:31 a.m.

R5A An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **10:15 a.m. Second Reading, Public Hearing**

(Planning Department)
(First Reading, Public Hearing on February 25, 2004)

ACTION: The City Commission accepted the Administration's recommendation to withdraw the item.

City Clerk's note: The Finance and Citywide Projects Committee reviewed this request at its April 6, 2004 meeting. The City's bond and tax counsel explained the issues and their conclusions regarding the tax-exempt bonds aspects of the proposed arrangement between the City and the NWS. After much discussion the Administration is withdrawing this request, as it appears that there are alternative means by which the NWS parking requirements can be met pursuant to the Land Development Regulations of the City Code.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

10:47:38 am.

11:27:40 a.m.

R5B Signs For Vertical Retail Centers
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date. **10:30 a.m. Second Reading, Public Hearing**

(Planning Department)
(First Reading on March 17, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3440 adopted as amended.** Motion made by Commissioner Bower, seconded by Vice-Mayor Gross; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Amendment

additions/revised language (**shown in bold**) on second reading (**removed language is not indicated**) for the "After-Action" report. The attached ordinance is what we will form approve, unless anyone has an objection (please advise first thing Thursday a.m.):

1. Definition of Vertical Retail Center:

(1) A vertical retail center means a commercial building with a minimum of 150,000 gross square footage floor area, exclusive of floor area for excess parking and, including multiple commercial uses that are located above the ground floor. **This definition shall not include buildings that are predominantly office or non-retail uses.**

2. Criteria:

(1) The center may have **signs on only** two street frontages, the location and configuration of which shall be subject to design review approval. **The** cumulative sum of the sign areas on a façade, including corners, approved under this provision, shall be up to 5 percent of the building façade on which they are located. **Signs** located on a building corner shall be up to 5% of the smallest adjoining building facade, subject to design review or historic preservation board approval, whichever has jurisdiction.

(2) The center shall have no more than six (6) business identification signs in each **permitted façade or corner**. Each business identification sign shall not occupy more than one (1) percent of the wall area.

3. Project identification sign:

A vertical retail center may have a roof-top project identification sign, not including the name of any tenant of the project, in the sole discretion of the design review and/or historic preservation boards, whichever by law has jurisdiction.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. E-mail from Gary Held, First Assistant City Attorney, to Jorge Gomez, Planning Director, in reference to recommended language by the DRB/HPB, dated April 13, 2004.

11:37:42 a.m.

R5C Conditional Uses In The MXE, Mixed Use Entertainment District
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public And Banquet Facilities, As Conditional Uses In This Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **11:15 a.m. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. Ordinance approved on First Reading. Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and second Public Hearing scheduled for May 26, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Bower stated that her concern is parking and traffic. She wants to know how these issues were addressed on the ordinance.

Jorge Gomez, Planning Director, stated that there are no parking requirements or parking impact fees on historic buildings, but the users will be asked to provide parking plans.

Commissioner Bower requested information between the first and second reading regarding how parking will be handled. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:48:48 a.m.

R5D Eliminating Dance Halls & Entertainment Establishments In Certain Districts
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article I, "District Regulations," Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"; Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses"; And Division 18, "PS Performance Standard District," Section 142-693

"Permitted Uses," By Eliminating Dance Halls And Entertainment Establishments Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District; Providing For Repealer, Severability, Codification And An Effective Date. **11:30 a.m. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. See two part motion:

1) Ordinance approved on First Reading. Motion made by Commissioner Bower to adopt the ordinance; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and second Public Hearing scheduled for May 5, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

2) Motion made Commissioner Bower to refer to the Planning Board the following: a) issue of hours; b) Cabaret district; c) define "accessory use" as opposed to a "main permitted use" or bring an ordinance which deals with this (Jorge Gomez stated there was an ordinance which tied the scale of the restaurant to the hotel rooms in the structure) and d) the Planning Board needs to look at the businesses which will be legal, non-conforming and how they will be affected by the change of hours; seconded by Vice-Mayor Gross; Voice vote: 7-0. Jorge Gomez to place on the agenda and to handle.

Jorge Gonzalez, City Manager, stated this issue has been brewing in the community for a while. There have been a number of public hearings. The Administration has been working on a series of different zoning regulation which will address some of the quality of life issues, particularly as it relates to the area south of 5th street. He stated that he has met with many of the homeowners south of 5th Street as have members of the Commission. Clearly the issue of noise and the degradation of quality of life in that area is an urgent matter. Late last year several planning measures were brought to the Planning Board. The Planning Board endorsed some of these measures and asked the Administration to work on others. The ordinance follows a Mayor-on-the-Move Program where it was heard loud and clear about the proliferation of night clubs in the South Pointe area. This ordinance addresses zoning changes for the South Pointe area and the area near the Sunset Harbor Condominiums which is an industrial area. As part of this ordinance, notwithstanding the proliferation of the nightclubs, there is still the issue of the current uses and whether to allow legal nonconforming uses to continue.

Commissioner Garcia stated that perhaps a cabaret district should be considered.

Jorge Gonzalez, City Manager, stated that perhaps this should be considered.

Vice-Mayor Gross stated that in the commercial district a cabaret district could be created, but today the issue is dealing with residential district.

Jorge Gomez, Planning Director, explained the ordinance.

The following individuals spoke:

Marco Lorra
Josh Fisher
Joan Remington
Judith Cohen Blecker
Erika Brigham
Paul Sasseville
Ruth Remington
Richard Harris
Joseph Villari
Morris Sunshine
Sabrina Cohen

Frank Del Vecchio
Judy Clayton
Toofic Mazzawi
Terri Eddelstein
David Johnson
Jared Esdale
Danielle Atanasova
Brad Stevens
Juan Covian
Ira Elegant
John Donovan
David Wallack
Gary Knight
David Colby
Carl Zabloutny
Rich Dispenzieri
Dominique Bailloul
Phillip Cousins
Jaime Robinson
Clotilde Luce

Vice-Mayor Gross and Commissioner Garcia asked about the grandfather clause in the ordinance. This ordinance grandfathers any business with an existing license. If a business was issued a license as a restaurant and is operating as a nightclub this does not entitle grandfathering. The key issue is how to deal with the grandfathering. One way to deal with this is to roll the hours of operation from 5 a.m. back to 2 a.m.

Murray Dubbin, City Attorney, stated that in his opinion the word grandfather is misused. The proper wording should be *legal non-conforming use* and under the law, legal non-conforming use may continue until they are terminated also as provided by law. This ordinance does not make reference to legal non-conforming uses.

Gary Held, First Assistant City Attorney, stated that there appears to be some intent by the City Commission to allow some establishments who have made a particular kind of investment, to allow a use related to that investment be on this ordinance. Based upon the guidance of the City Commission, between first and second reading, perhaps the issue(s) could be addressed. He stated that language will be looked at to add between first and second reading. **Jorge Gomez and Legal Department to handle.**

Mayor Dermer stated that he believes the cleanest way to handle this is by the hours of operation. He suggested that this ordinance be approved on first reading and between first and second reading that the hours ordinance be prepared.

Jorge Gomez, Planning Director, and Gary Held, First Assistant City Attorney, stated that the changing of hours will need Planning Board approval.

Commissioner Garcia asked if the cabaret district can also be referred to the Planning Board.

Commissioner Steinberg stated that the biggest fault is that the City has not been enforcing the laws. If the noise ordinance was enforced properly and the streets were cleaned this would not be necessary. He stated that the City should be focusing on restaurants which are acting as nightclubs.

Commissioner Smith stated that his problem is with the accessory use language in the City Code. Accessory uses have been allowed to become primary uses. The City has allowed hotels that have 10-15 rooms and 199 tables. The industry also has to take some of the responsibility for what's happening. The City needs better enforcement.

Commissioner Garcia asked if on the second reading the ordinance could separate the residential zone and the industrial zone.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Signed petition from residents of Sunset Harbour North and South supporting zoning changes for Sunset Harbour residents.
4. Statement read by Marco Lerra at the Commission Meeting.
5. Land Use Survey: Two color coded maps, 1) South Pointe and 2) Industrial District, along with a list of restaurants and bars in South Pointe Area.
6. List of restaurants and bars in South Pointe Area sent to Mercedes Lamazares from Frank Del Vecchio, dated March 31, 2004.
7. Sofi TM Influence Map handout by Mr. Phillip Cousins.

6:39:45 p.m.

R5E An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 102, Article V, Of The Code Of The City Miami Beach, Florida, Entitled "Occupational License Tax," To Define Adjudicated Violation, To Define Habitual Conduct For Purposes Of Occupational License Denial And/Or Suspension Or Revocation, And Defining Habitual Conduct For Promoters Occupational License Denial And/Or Suspension Or Revocation And Providing For The City Manager's Designee To Undertake A Hearing In The Suspension Or Revocation Process And Providing For Factors To Be Considered In Determining The Length Of A License Suspension; Providing For Codification Repealer, Severability, And An Effective Date. **First Reading.**
(City Manager's Office)

ACTION: Ordinance approved on First Reading as amended and referred the revised ordinance to the Neighborhoods/Community Affairs Committee. Motion made by Commissioner Steinberg on the ordinance with the list of amendments handed out by the Legal Department; 1) clear up the ambiguous language dealing with adjudication; 2) prepare a list of severe and minor violations or what infractions fall under the ordinance; 3) Significant public outreach, public meeting, contract those individuals who attended a previous meeting, and Nightlife Task force for review, between first and second reading; 4) Consider the special master to hear cases rather than the City Manager or his designee; seconded by Commissioner Smith; Ballot vote: 5-1; Opposed: Vice-Mayor Gross; Absent: Commissioner Bower; Second Reading and Public Hearing scheduled for June 9, 2004. R. Parcher to notice. Vivian Guzman to place on the Committee agenda. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle.

Robert Middaugh, Assistant City Manager, presented the item.

Vice-Mayor Gross stated that there is no one in the audience representing the nightclubs. Process wise, the Commission should be hearing an ordinance when all the parties (residents, club owners, and promoters) are present for discussion. He stated that the flyers are littering the city.

Mayor Dermer suggested advising the Nightlife Industry Task Force to notify the clubs to stop discarding the flyers on the ground. **Christina Cuervo to handle.**

David Kelsey spoke.

On the issue of dealing with flyers brought up by Vice-Mayor Gross, Jorge Gonzalez, City Manager, stated that the Administration will try to catch those individuals discarding the flyers on the ground. **Vivian Guzman to handle.**

Mayor Dermer asked David Kelsey to please go to the clubs and tell them not to litter. He also stated that he will go to the next Nightlife Task force meeting and ask club owners to stop littering. He stated that he would also go to Miami club owners and asked them to stop littering in Miami Beach.

Murray Dubbin, City Attorney, stated that this ordinance is a remedial measure to address two court decisions that held the City's ordinances to be unconstitutional. This is an effort to create a method where the City's law enforcement can enforce the law and having the courts agree. He stated that there are a few cases pending. He recommended moving this and resolving the issues between first and second reading.

Vice-Mayor Gross strongly objected to approving this on first reading because the Commission stated it would have full hearings.

Commissioner Steinberg stated that there needs to be a list of what is a severe violation and a minor violation. He also asked if paragraph 1(a) on page 301 dealing with adjudicate, is intended to be on the City's law or federal, state or county.

Robert Middaugh, Assistant City Manager, stated that the definition of "adjudicate" is on page 298 and it

defines it as any court.

Commissioner Steinberg stated that this needs to be defined because it is ambiguous and the same for paragraph #2.

Commissioner Smith asked the Administration to consider the special master to hear cases rather than the City Manager or his designee.

Robert Datorre, Assistant City Attorney, spoke.

Handout or Reference Materials:

1. Legal Department Amendments: Pages 301, 302, and 311 replacing the ones in the Agenda packet.

7:27:12 p.m.

SUPPLEMENTAL MATERIAL – (Ordinance)

R5F An Ordinance Amending Chapter 70, Article III Of The Miami Beach City Code, Entitled "Graffiti" By Providing For Reduction In Time Periods Permitted For Compliance With Article, Providing For Severability, And An Effective Date. **First Reading.**
(Police Department)

ACTION: Graffiti issue to be handled administratively. Jorge Gonzalez, City Manager, stated that this is clearly a quality-of-life issue and a perfect resource to fund this is from the North, Middle and South Beach Quality of Life Funds. **Chief De Lucca to handle.**

Police Chief Don De Lucca introduced the item.

Commissioner Garcia is concerned with the time frame for residents, since they may be on vacation and come back and find out that they are in violation.

Roberto Datorre, Assistant City Attorney, stated that the notice has to be received and signed for either hand delivered to owner of record of the property, or certified mail to the homeowner.

Commissioner Cruz stated that the City is penalizing the victim and the Administration should explore the possibility for the City to absorb the cost for the time being and show good faith. This will make the process faster and less expensive than going through the noticing route.

Jorge Gonzalez, City Manager, stated that this is clearly a quality-of-life issue and a perfect resource to fund this is from the North, Middle and South Beach Quality of Life Funds. **Chief De Lucca to handle.**

5:37:18 p.m.

R5G Amendment To Goals, Policies & Objectives & Future Land Use Map Of The Comprehensive Plan An Ordinance **1)** Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And **2)** Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)

(Continued from February 25, 2004)

ACTION: Public Hearings for R5G and R5H held together. Motion made by Commissioner Steinberg to deny; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Bower.

Jorge Gomez, Planning Director, introduced the item. He stated that the Planning Department has expressed concerns relative to this application which have been expressed at previous Commission Meetings and that it is incorporated into the record.

James F. Silver, President of Gateway Development Inc., gave a PowerPoint presentation.

Commander Rich Murphy, Commanding Officer of Civil Engineering Unit – Coast Guard, spoke.

Jeffrey Bass Esq., representing clients from Fisher Island, incorporated the staff recommendation and asked that it be made a part of the record. He also explained why his clients are opposed.

William Shockett, spoke on behalf of Mr. Silver.

Handout or Reference Materials:

1. Copy of the PowerPoint presentation titled *Marina Point on South Beach* given by James F. Silver, President of Gateway Development Inc.

5:38:38 p.m.

R5H Proposed Amendment to Official Zoning District Map & Land Development Regulations. An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3," Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)
(Continued from February 25, 2004)

ACTION: Public Hearings for R5G and R5H held together. Motion made by Commissioner Steinberg to deny; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Bower.

See remarks for this item with item R5G.

Handout or Reference Materials:

1. Copy of the PowerPoint presentation titled *Marina Point on South Beach* given by James F. Silver, President of Gateway Development Inc.

7:42:20 p.m.

R5I An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The Fraternal Order Of Police (FOP) In Accordance With The Negotiated Agreement A 3% Increase For All FOP Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All FOP Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Bower. Second Reading and Public Hearing scheduled for May 5, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

7:44:04 p.m.

R5J An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The International Association Of Firefighters (IAFF) In Accordance With The Negotiated Agreement A 3% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Garcia; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Bower; Second Reading and Public Hearing scheduled for May 5, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

7:45:28 p.m.

R5K An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Providing For A 3% Increase For All Unclassified Employees And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Unclassified Employees And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Bower; Second Reading and Public Hearing scheduled for May 5, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

7:57:02 p.m.

R5L An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being All Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Providing For A 3% Increase For All Employees In Group VI, "Others," And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Employees In Group VI, "Others," And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: : Commissioner Bower; Second Reading and Public Hearing scheduled for May 5, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

R6 - Commission Committee Reports

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of April 6, 2004: **1)** Discussion Regarding An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots; **2)** Review And Discussion Of The Proposed Purchase Of The Property Located At 1833 Bay Road, Miami Beach, Florida; **3)** Discussion Regarding The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy, Inc., Which Provide For An Extension Period Of Two (2) Years, Unless The City Manager Provides Notice 60 Days Prior To Expiration, For The Management And Operation Of The Miami Beach Botanical Garden, Pursuant To The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement; **4)** Discussion Regarding The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; **5)** Discussion Regarding An Amendment To Section 2-369 Of The City Code Relative To The Utilization Of Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And **6)** Review Of Current Policies Regarding Homeless, Vagrants And Prostitutes.

ACTION: Not reached. Lilia Cardillo to place on May 4 Agenda.

R7 - Resolutions

5:32:11 p.m.

SUPPLEMENTAL MATERIAL – (Resolution)

R7A A Resolution Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: a) Chiller Replacement; b) Replacement Of Air Handlers; And c) Refurbishment Of 12 Air Handling Units.
10:45 a.m. Public Hearing.

(Capital Improvement Projects)

ACTION: Public Hearing Held. Resolution No. 2004-25542 adopted. Motion made by Commissioner Smith to move the Administration's recommendation; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. A copy of the Campaign report evidencing the contribution is available in the City Clerk's office.

11:36:40 a.m.

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of West 29th Street Street-End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property Located At 2900 Prairie Avenue; Waiving By 5/7ths Vote, The Competitive Bidding Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **11:00 a.m. Public Hearing.**
(Public Works)

(Continued from January 14, 2004)

ACTION: Public Hearing opened and continued to July 7, 2004 at 11:00 a.m. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

2:27:48 p.m.

R7C A Resolution Approving On First Reading/Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, A Proposed Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket And An Approximately 943 Space Parking Garage Facility, Including An Intermodal/Transportation Component, An Integrated Parking Garage, Vertical Transportation, Ramps, Ventilation, Etc., And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach; Further, Setting The Second Public Hearing For The Development Agreement; Further Setting A Public Hearing Pursuant To The City's Guidelines For Vacation Of Public Right-Of-Ways And Chapter 82, Article II, Sections 82-37 Through 82-38, Of The City Code , To Hear Public Comment Concerning A Vacation Of The Alley Adjacent To The Property Generally Located Between Alton Road And Lenox Avenue, And Containing Approximately 7800 Square Feet Of Land. **2:00 p.m. First Public Hearing.**

(City Manager's Office)

(Continued from March 17, 2004)

ACTION: Public Hearing opened and continued to May 5, 2004 at 2:00 p.m. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Perpetual Easement Interest With The Florida Department Of Transportation (FDOT) For Two Separate Strips Of Land Along The East Side Of Brittany Bay Park, Containing 1578 Square Feet, A Legal Description Of Which Being Attached Hereto And Made Part Of This Resolution. Said Easement Will Widen The Indian Creek Drive Crossection To Allow For The Construction Of A Triple-Left Intersection, As Part Of FDOT's At-Grade Project At 63rd Street And Indian Creek Drive. FDOT Agrees To Restore To Substantially The Same Condition Which Existed Immediately Prior To Such Work, At Its Sole Cost And Responsibility, Any And All Affected City Infrastructure Within The Easement Area, Including But Not Limited To Utility Lines, Sidewalk And Landscaping; And Further That The Easement Will Become Null And Void If The Project Is Not Under Construction Before The Year 2007, And The Rights Conveyed By The City Revert Back To The City.

(Public Works)
(Deferred from March 17, 2004)

ACTION: Item withdrawn by the Administration.

9:01:12 p.m.

SUPPLEMENTAL MATERIAL – (Resolution)

R7E A Resolution Authorizing The Execution Of An Agreement With Perkins And Will, Inc. In The Not To Exceed Amount Of \$1,200,788 For The Provision Of Planning, Architecture, Landscape Architecture, And Engineering Services Required To Design And Construct The Multi-Purpose Municipal Parking Facility Project And Further Appropriating Funds In This Amount Along With \$299,813 For Associated CIP Office Project Management Charges From The Parking Enterprise Fund.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25543 adopted with the condition that the City revisits the URS contract, and refer to the Finance and Citywide Project Committee the issue of the layering of the percentages of the fees between the Architectural and Engineering, the Program Manager, and CIP as a percentage of the project. Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Bower. Tim Hemstreet to handle.

On the referral, Patricia Walker to place on the Committee agenda. Tim Hemstreet to handle.

Vice-Mayor Gross stated that when the fee is added for URS, Perkins and Will, Inc and all the other soft costs, totaling \$2.5 million, is too high a soft cost for a \$9 million dollar project.

Referral to the Finance and Citywide Projects Committee without objection, the issue of the layering of the percentages of the fees between the Architectural and Engineering, the Program Manager, and CIP as a percentage of the project.

9:09:40 p.m.

SUPPLEMENTAL MATERIAL – (Resolution)

R7F A Resolution Adopting The Recommendation Of The City Manager And Authorizing The Administration To Commit The 5,000 Square Foot Space Within "The Courts" Project (F/K/A The Cobb Project) Located At 131 Alton Road, Miami Beach, Florida, For Use As A Library.
(Economic Development)

ACTION: Resolution No. 2004-25544 adopted. Motion made by Vice-Mayor Gross; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Bower and Steinberg. Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, presented the item. She stated that the City has contracted with a firm to do community design workshop (CDW). The City and the Miami-Dade Public Library System (MDCPLS) have agreed that the front area, approximately 500-800 sq. ft., of the building would

be reserved for the City. MDCPLS could occupy the area initially. It has been agreed that if the City wishes to use the space it could. A side letter will be executed and if it requires City Commission approval it will be placed on a future agenda.

11:32:35 a.m.

- R7G A Resolution Authorizing Continuation Of The City Of Miami Beach's Forgiveness Of The Housing Authority Of The City Of Miami Beach's (HACMB) Payment In Lieu Of Taxes (PILOT) Payment Through 2023, In Full And Final Settlement And Satisfaction Of Any And All Claims That The HACMB May Have Against The City (Including But Not Limited To All Reimbursement Claims Related To Letters Of Agreement Entered Into Between The City And HACMB Between June 24, 1992 Through February 2000) Pursuant To Finding IA Of Audit Report No. 01-At-202-1001, Issued By The Office Of The Inspector General Of The U.S. Department Of Housing And Urban Development (HUD), Dated October 20, 2000 (The Audit Report); Provided Further That The City's Forgiveness Of HACMB's Pilot Payment Through 2023 Will Result In The Closure By HUD Of Finding IA Of The Audit Report; Provided Further That The Actions Taken By The City In This Resolution Are Taken Solely In Full And Final Settlement Of The Aforestated Matters, And Do Not Represent Any Admission Of Liability On The City's Part, Either With Regard To The City's Reimbursement To The HACMB And/Or The Findings In The Audit Report; Provided Further That The City's Forgiveness Of The HACMB's Pilot Payment Through 2023, And This Proposed Settlement, Is Subject To And Conditioned Upon The City's 1) Receipt Of A Fully Executed Release And Satisfaction By HACMB, And 2) Receipt Of A Letter From HUD Evidencing HUD's Agreement To Close Finding IA Of The Audit Report.
(City Manager's Office)

ACTION: Resolution No. 2004-25545 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0: Absent: Vice-Mayor Gross. Robert Middaugh to handle.

Commissioner Smith commended the Administration for resolving this issue.

- R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 66-02/03, For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; Authorizing The Administration To Enter Into Negotiations With International Merchandising Corporation D/B/A IMG; And Should The Administration Not Be Able To Negotiate An Agreement With International Merchandising Corporation D/B/A IMG; Authorizing The Administration To Negotiate With Sports And Sponsorships.
(City Manager's Office)

ACTION: Item withdrawn by the Administration.

Handout or Reference Materials:

1. Letter to Jorge M. Gonzalez, City Manager, from L. Christopher Lund, Vice President Municipal Marketing, Superlative Group, Inc. dated April 12, 2004.

9:12:41 p.m.

R7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 16-03/04, For The Purchase And Implementation Of An Enterprise Financial And Administrative System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Eden Systems; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Munis; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration In The Not To Exceed Amount Of \$1,800,874.

(Finance Department)

ACTION: Resolution No. 2004-25546 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Bower and Steinberg. Patricia Walker to handle.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

ACTION:

Beautification Committee:

Debra Schwartz Term expires 12/31/05 Appointed by Commissioner Garcia TL 12/11

Committee for Quality Education in MB:

Maria Elia Moya Term expires 12/31/05 Appointed by Commissioner Smith TL 12/11

Community Development Advisory Committee:

Jeff Bechdel Term expires 12/31/05 Appointed by Commissioner Garcia TL 12/11

Community Relations Board:

Jeannette Egozi ex-officio member to the Community Relations Board representing the Hispanic Affairs Committee.

Debarment Committee:

Abe Green Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/11

Fine Arts Board:

Karen Edelstein Term expires 12/31/04 Appointed by Commissioner Garcia TL 12/11

Loan Review:

Murray Dinnerstein Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/11

Marine Authority:

Joseph Villari Term expires 12/31/05 Appointed by Mayor Dermer TL 12/11

Miami Beach Commission on the Status of Women:

Marisue Beloff Term expires 12/31/05 Appointed by Commissioner Garcia TL 12/11

Alejandra Fumale Term expires 12/31/04 Appointed by Commissioner Garcia TL 12/11

Miami Beach Florida Sister Cities Program:

Alfredo Rey Term expires 12/31/05 Altamonte, Spain Appointed by Mayor Dermer TL 12/09

Parks and Recreational Facilities Board:

Ronald Rosenbaum Term expires 12/31/05 Appointed by Commissioner Smith TL12/11
(Originally appointed to the Public Safety Advisory Committee exchanging places with Michael Rosenbaum).

Police Citizens Relations Committee:

Mark Tamis Term expires 12/31/05 Appointed by Commissioner Garcia TL12/11

Public Safety Advisory Committee:

Michael Rosenbaum Term expires 12/31/05 Appointed by Commissioner Smith TL2/11
(Originally appointed to the Parks and Recreational Facilities Board exchanging places with Ronald Rosenbaum).

Safety Committee:

Crispy Soloperto Term expires 12/31/04 Appointed by Commissioner Cruz TL 12/11

Youth Center Advisory Board:

Fortuna Bichachi Term expires 12/31/05 Appointed by Vice-Mayor Gross TL 12/11

Handout or Reference Materials:

1. Letter To Mayor Dermer and Commissioners from Clare Finley McCord, dated April 12, 2004, RE: Appointment to the Board of Adjustment

R9A1 Nominate Maria Bonta De La Pezuela To The Arts In Public Places Committee.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Not reached.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: Not reached.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

R9C Discussion Regarding The Traffic Analysis Report On Indian Creek Drive At 63rd And 65th Street Intersections, Prepared By The HNTB Corporation.
(Public Works)

ACTION: Item withdrawn by the Administration.

4:48:33 p.m.

R9D Presentation By Don Peebles, Chairman Of The Greater Miami Convention And Visitors Bureau.
(City Manager's Office)

ACTION: Presentation made.

Don Peebles, Chairman of the Greater Miami Convention and Visitors Bureau (GMCVB), gave an oral report on the tourism industry and the direction of the GMCVB.

Mr. Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau, spoke.

7:58:30 p.m.

R9E Discussion Regarding A Resolution Affirming Its Continued Support For The Citizen's Independent Transportation Trust (CITT), As Adopted By The Board Of County Commissioners On July 9, 2002, Pursuant To Ordinance No. 02-117; Further Urging The Board Of County Commissioners Not To Disband The CITT, Or Otherwise Take Any Action Which Would Have The Effect Of Substantially Altering Or Diluting The Powers And Authority Of The CITT, As Originally Intended And Envisioned, Following Approval By The Electorate Of Miami-Dade County, Florida Of The Charter County Transit System Surtax.

(Requested by Mayor David Dermer)

ACTION: Discussion held. **Resolution No. 2004-25547 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Bower. R. Parcher to transmit to Miami-Dade County Mayor and Commissioners.

4:27:29 p.m.

R9F Report On Memorial Day Weekend 2004 (Thursday, May 27, 2004 - Monday, May 31, 2004).
(City Manager's Office)

ACTION: Item Introduced by Christina Cuervo, Assistant City Manager.

Luther Campbell stated that his concern is, whether he could have music and be able to serve alcohol at the event the same as is done in events in this area. This will determine the type of people and the type of entertainment that they will have. He stated that the reason why many events are being held in Miami is because he was told that they are not allowed to have music in that area and alcohol in the same venue. He stated that he is confused as to why it changes only for the Memorial Day weekend.

Christina Cuervo, Assistant City Manager, clarified that for major holiday weekends, the City's resources are allocated and very scarce and because of that, the City cannot add to the impact felt by the residents and the City's staff. She stated that it was explained to Mr. Campbell that due to the City's noise ordinance ambiance or background music will be permissible. She also explained that last year the City Commission allowed alcohol in the concert area that was enclosed, but not in the festival area and therefore consistent with last year. This year's festival is out in the open and the City has concerns on the impact on the crowds. The City's preference is not to have any alcohol as part of this event. This will be reviewed at the Neighborhood Review Meeting.

4:00:08 p.m.

SUPPLEMENTAL MATERIAL – (Additional Materials)

R9G Discussion And Review Of The Proposed Purchase Of The Property Located At 1833 Bay Road, Miami Beach, Florida.

(Economic Development)

ACTION: Discussion held.

Resolution 2004-25548 adopted as amended. Motion to purchase the property at the option price made by Commissioner Bower, seconded by Vice-Mayor Gross with the amendment by Commissioner Steinberg to use undesignated funds; Ballot vote: 4-3; Opposed: Commissioners Cruz, Smith and Garcia. Christina Cuervo to handle.

Joe Damien, Asset Manager, introduced the item.

Harold Rosen, Esq. spoke.
Tamra Sheffman spoke.

Vice-Mayor Gross stated that the question is at what price can the City buy; at the option price of the right at first refusal price.

Jorge Gonzalez, City Manager, stated that the City cannot lose by buying this building. The price is within the market price and it is in an industrial area; this property could be used or sold in the future.

Commissioner Steinberg stated that he does not agree using parking funds to buy this property.

Jorge Gonzalez, City Manager, stated that buying this property does not jeopardize any planned project that the City has today for the Parking Fund. He explained that if the City took all of its parking needs today, there is not enough money to meet them all. He stated that the Parking Fund is a legitimate and appropriate use for this facility but if the City Commission does not want this, he could be instructed to find a different source of funds and his choice would be the Undesignated Fund Balance which can also be used to buy property since it is not a recurring expense. He stated that the Parking Fund (off the top of his head) has about \$20 million in Retained Earnings, and about \$19 to \$20 million in bond proceeds. The Undesignated Fund Balance is about \$19 million.

Commissioner Cruz stated that he would have to know what the long-term goals are for this property because he does not see the need for it.

Jorge Gonzalez, City Manager, stated that if the City needed to find three industrially zoned parcels on Miami Beach, beyond this there are none. This gives the City the opportunity to acquire three industrially zoned parcels for a trade's yard, a garage, a joint development of a garage with offices above it. He stated that there are things that could be done with this property and the City being the adjacent owners are the more logical owners. It could possibly be used to move the Property Management Division.

Handout or Reference Materials:

1. Ballots

8:00:25 p.m.

R9H Discussion Regarding Redevelopment In The Area Of 17th Street To 12th Street And Alton Road To Bay Drive.

(Requested by Commissioner Simon Cruz)

ACTION: Discussion held. Motion made by Commissioner Smith to refer to the Planning Board to consider reviewing the lot aggregation issue, heights, FAR and the designation of the conservation districts. Jorge Gomez to place on Agenda and handle.

Commissioner Cruz introduced the item and suggested giving the Planning Department the opportunity to come back with serious zoning and planning for the area.

Commissioner Garcia asked if there are plans to designate this district as historic.

Jorge Gomez, Planning Director, stated that enabling legislation has to be created and a designation report has to be presented. There have been discussions at the Planning Board and the Historic Preservation Board level supporting the conservation district.

Commissioner Cruz stated that the problem is the incredible amount of growth that the City is experiencing; properties are developing and this is damaging the character of the area and causing traffic impact.

Mayor Dermer asked what the difference between the conservation district and historic preservation districts are.

Jorge Gomez, Planning Director, explained that the difference is that a historic preservation district protects the area by requiring a certificate of appropriateness for demolition, and that process not only makes it difficult to alter the character of the area, but it also makes it very difficult to avail one of any excess development rights because of compatibility issues or standards of criteria. The conservation district creates an overlay set of regulations, in which demolition can occur, but the replacement architecture is required through a set of guidelines and criteria to have development compatible with the scale of the existing neighborhood and still allowing flexibility for additional floor area. The best method that would create a protection would be the zoning in progress created upon the action of the Historic Preservation Board for the Planning Board to study this area as a historic district. He explained that the Gilbert Fein district is the area west of Bay Drive, the Lincoln Terrace Street and 16th Street and if there is support from the City Commission, the quickest way would be to designate the Gilbert Fein area a historic district.

Vice-Mayor Gross is in support of the designation of a historic district for the Gilbert Fein area.

Commissioner Smith proposed to have the Planning Department, in order to protect the subject area, look at FAR, setbacks, lot aggregation and other guidelines including conservation districts.

Mayor Dermer expressed that the unanimous sentiment of the City Commission is to refer this item to the Historic Preservation Board to begin looking at forming a Historic Preservation district in the Gilbert Fein area.

Motion made by Commissioner Smith to refer to the Planning Board to consider reviewing the lot aggregation issue, heights, FAR and the designation of the conservation districts.

4:32:30 p.m.

SUPPLEMENTAL MATERIAL – (Resolution)

R9I Discussion Regarding A Resolution Supporting Representative Robaina's Condominium Bill Of Rights.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Resolution No. 2004-25549 adopted as amended. Motion made by Vice-Mayor Gross to support the Ombudsmen portion of this Bill only; seconded by Commissioner Bower; Voice vote: 7-0. Kevin Crowder to transmit to the Speaker of the Florida House of Representatives, the President of the Senate, the Governor and all Senators and House Members representing Miami-Dade County in the legislature.

Iran Ruiz, Outreach Coordinator for Service Employees International Union (SEIU), spoke.
Joe Fontana spoke.

Commissioner Smith stated that he read the Bill and some things are appropriate such as the conflict of interest issue, competitive bid requirements, procurement requirements, financial disclosure, and appointing a condominium czar that will try to resolve conflicts, but he does not agree with some of the other issues on the Bill. He does not agree that the City should take a position on this Bill. He stated that Tallahassee is the proper forum for these issues.

Vice-Mayor Gross agreed with Commissioner Smith.

Commissioner Garcia stated that this Bill would give the condominium owners an avenue to voice their complaints.

Commissioner Steinberg stated that the City Commission should not give a blanket endorsement when it is unclear what will be taken out or let on the Bill. He is in favor of passing a resolution stating that the City of Miami Beach is in support of certain portions of the Bill.

Vice-Mayor Gross stated if everyone is happy with the Ombudsmen portion of this Bill, he will support that idea.

8:19:49 p.m.

SUPPLEMENTAL MATERIAL – (Additional Materials).

R9J Discussion Regarding Controlling Major Projects.

(Requested by Commissioner Saul Gross)

ACTION: Discussion held.

Vice-Mayor Gross stated that it has been incredibly frustrating because of all the large buildings built in the City over the last five years. The traffic continues to get worse. He stated that there is a process of concurrency that is supposed to deal with traffic. The concurrency is supposed to stop developments when concurrency is not met or exceeded. It doesn't do that. It allows payment of a relatively small fee from the large developer instead of stopping development. There needs to be a more controlled method of dealing with large developers who cannot meet the concurrency requirements. He stated that six months ago this was sent to the Planning Board and they had one meeting and directed staff to look at how other Cities are handling major projects. The City of Miami has a different major projects review and their ability to ask for much larger contributions from the developers. In some cases, a bigger contribution is required from the developers. The City of Miami Beach asks for a relatively nominal contribution which does not meet the purpose of improving the infrastructure. The City is in the process of reevaluating the Comprehensive Plan. With the process there will be neighborhood meetings. The neighborhoods are going to be complaining about the traffic. The concurrency system used today is broken. Staff and the Planning Board need to develop a statement about major projects.

Jorge Gomez, Planning Director, referenced LTC 082-2004 which outlines the four (4) points which the Ad-Hoc Committee needs to formulate.

Jorge Gonzalez, City Manager, gave an overview of the steps outlined in the LTC: 1) regional traffic impact study; 2) develop a citywide transportation master plan and figure what are the transit transportation options the City has that will go beyond the MMP study; 3) major development projects review; and 4) review current concurrency plan.

Commissioner Smith suggested five years ago a parks impact fee and was told that this is in place but at such a high level that nobody qualifies to pay it. He stated that this threshold needs to be lowered and he is proposing an amendment to the Concurrency to lower this threshold. **Jorge Gomez to handle.**

Mayor Dermer stated that he is in support of the concept but will not vote for the company who recommended the tracks. He agrees having an honest study for the solution to these problems.

Jorge Gonzalez, City Manager, requested authorization to go look for a traffic consultant.

Commissioner Cruz asked why another study is needed. The "choke" points of traffic are coming from outside the City.

Vice-Mayor Gross asked for the status of the traffic signal with a protected left turn lane at Dade Boulevard and Alton Road which has been in process for the last two years. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that this is a county road impact fee, and added that many cities nationwide have other solutions for the traffic situation, such as reversible lanes, etc.

Vice-Mayor Gross stated that mass transit is the solution to the traffic problem.

Commissioner Cruz stated that the County transportation told the City that they were going to remove the accordion buses and put more efficient buses in the City. He explained that the City spent a lot of money on the study and believes the City's staff is more capable of doing the study, because they understand the issue better than somebody from the outside.

Jorge Gonzalez, City Manager, stated that if there is unchecked development immediately to the north of the City of Miami Beach, it will affect us. The City of Miami Beach should have input in that process. The Administration is trying to get the South Florida Regional Planning Council to look at the regional traffic issue. **Jorge Gomez to handle.**

Vice-Mayor Gross asked if the Planning Board should look at the Concurrency issue, the credits, and the major development projects. **Jorge Gomez to place on the agenda and handle.**

City Clerk's note: Attached via Supplemental Materials is LTC 082-2004 (Concurrency)

11:01:04 a.m.

Addendum Item:

R9K Discussion Regarding the Potential Closing of all Outdoors Cafes.
(Requested by Commissioner Luis Garcia))

City Clerk's note: See LTC 85-2004.

ACTION: Discussion held. Resolution No. 2004-25550. Motion made by Commissioner Bower instructing the Legal Department to prepare a resolution in support of the sidewalk cafes on state roads with the following requests: 1) the State issue cafes permits; the City will permit only if the State refuses; 2) that any enforcement be stayed during the negotiations; 3) that the City permits, the City's liability be limited to the location of the cafes only; seconded by Vice-Mayor Gross; Voice vote: 7-0. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that the Florida Department of Transportation is asking the City to assume exposure, liability and costs associated with the sidewalks where the sidewalk cafes are operating and from a government perspective it opens the liability for trip and falls, for repairs and replacement and everything associated with the sidewalk which currently resides with FDOT. He explained that in order to allow a public business to continue on a public right-of-way the suggestion from FDOT is that the City take on the liabilities.

Commissioner Steinberg stated that he has been having conversations with the Governor's office and will be at the League of Cities meeting next week, and his top priority will be to try to have this issue resolved. He explained that originally FDOT wanted the City to assume the entire responsibility for the street not just the sidewalks, but he will try to get FDOT to consider only the spaces in front of the cafes.

Jeanne Tidy, from the NBDC, spoke.

Jorge Gonzalez, City Manager, stated that the action is being taken by FDOT, not the City.

Bruce Singer, President of the Miami Beach Chamber of Commerce, stated that there needs to be a clear statement from FDOT or the City that there will be no action taken to the restaurants until this matter is negotiated because all restaurants received a letter from FDOT indicating that they will be fined \$500 or go to jail.

Motion made by Commissioner Bower to prepare a resolution in support of the sidewalk cafes and that they be allowed to stay until the negotiations with FDOT are resolved, and calls should be made to all State Representatives.

Commissioner Bower requested the Administration to research how other cities in other states are handling. **Fred Beckmann to handle.**

Reports and Informational Items

- A Parking Status Report. (Parking Department)

ACTION: Written report submitted.

- B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Project Of Fire Station No. 4.
 (Capital Improvement Projects)
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-

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

- E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County Homeless Trust Board Meeting Of February 27, 2004.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

10:11:51 a.m.

F Presentation On The On-Line Permitting System.
(City Manager's Office)

ACTION: Jorge Gonzalez, City Manager congratulated the Building Department and the IT Department on accomplishing the issuance of permits online and in such a short period of time, and this has done something that will enhance the services that we provide to the industry greatly. He also stated that E-government and electronic solutions is something that he's been pushing for since the beginning of his Administration. He explained that if a contractor has a Building Permit, he can obtain other permits electronically, as well as track, search and schedule inspections online. He stated that this is a result of the Business Resolution Task Force (BRTF) which they have recommended years ago; to allow permits to be pulled online. We also have a Kiosk downstairs that will allow people to come in and do research online here at City Hall if customers don't have a computer at home. He also commended Vice-Mayor Gross for his participation. He further stated, they are testing handheld computers out in the field and next in step for next month we will have streamlined queuing software that will minimize the wait time here in City Hall and this should be operational in the next 30 to 60 days. He recognized Vice-Mayor Gross, Hamid Dolikhani, Evelyn Sanchez, Sonia Le Counte, Laura Orozco, Vrinda Kumar, Hector Echeverria, Patricia Walker and Kay Randall for the efforts.

A video was shown which explains the process and will be aired on Government Channel 20.

Vice-Mayor Gross asked if contractors were being notified of this new service.

Jorge Gonzalez, City Manager, stated, the Building Department is reaching out to their customers to inform them of this new service via brochures.

Vice-Mayor Gross commended the Administration for a job well done. This system will save contractors and citizens as well as employees a lot of time and money.

Mayor Dermer commended Vice-Mayor Gross for his contributions as a BRTF member and as a Commissioner.

Commissioner Bower commended and congratulated the Building Department.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 14, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower Absent
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of February 2004.

ACTION: Written report submitted.

3. NEW BUSINESS

8:56:15 p.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Executive Director, Or Designee, To Execute An Amendment To The Agreement Between The Miami Beach Redevelopment Agency And The State Of Florida Department Of Management Services, Facilities And Building Construction Division, For The Renovations And Restoration Of The Colony Theatre, Accepting Assignment Of The Contract Between The State And The Construction Manager, McCartney Construction Company, And Accepting The Assignment Of The Agreement Between The State And The Architect Of Record, RI Heisenbottle Architects; Authorizing The Executive Director Or Designee To Negotiate And Execute Any Ancillary Agreements Necessary To Accomplish Said Assignments; Accepting The Voluntary Removal Of The State Of Florida Department Of Management Services From The Project; And Authorizing The Executive Director Or Designee To Negotiate And Execute An Agreement On Remaining Unpaid Fees Due To The State.

ACTION: Resolution No. 469-2004 adopted as amended (see handout resolution). Motion made by Commissioner Smith seconded by Commissioner Garcia; Voice vote: 5-0: Absent: Commissioners Bower and Steinberg. Christina Cuervo and Tim Hemstreet to handle.

Commissioner Smith stated that they support the assignment regardless and to offer the State \$10,000

and CIP will run the project.

Jorge Chartrand, Assistant Director of CIP, spoke.

Handout or Reference Materials:

1. Resolution

End of RDA Agenda

Meeting adjourned 9:15 p.m.